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Filing date: **04/05/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208855
Party	Defendant The Wine Group LLC
Correspondence Address	PAUL W REIDL LAW OFFICE OF PAUL W REIDL 241 EAGLE TRACE DRIVE, SECOND FLOOR HALF MOON BAY, CA 94019 UNITED STATES paul@reidllaw.com
Submission	Other Motions/Papers
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Date	04/05/2013
Attachments	Request for reconsideration.pdf (3 pages)(37297 bytes)

1 **BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **TRADEMARK TRIAL AND APPEAL BOARD**

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4 Application Serial No. 85/736,374

5 Mark: (B)URBAN

6 Class: 33

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8 **GREATER LOUISVILLE**
9 **CONVENTION & VISITORS**
10 **BUREAU,**

11 Opposer/Respondent

12 v.

13 **THE WINE GROUP, LLC.,**

14 Applicant/Counterclaimant.

Opposition No: 91208855

REQUEST FOR RECONSIDERATION

15 Opposer/Respondent (GLCVB) filed a motion to amend on March 26, 2013 (Docket No.
16 11). This was filed the same day as its response to TWG's motion to strike (Docket No. 10).
17 TWG filed its reply brief on its motion to strike on April 2, 2013 (Docket No. 12). That reply
18 stated that TWG would respond separately to the motion to amend in the manner provided for by
19 the Board's rules. (Reply at 1:17-18).

20 Under the Board's Rules, TWG's opposition memorandum was due 20 days after service
21 of the motion (15 days + 5 days because service was by mail). 27 C.F.R. § 2.119 (c); TBMP §
22 502.02 (b). This made TWG's response due on April 15, 2013. The Board, however, without the
23 benefit of TWG's response, granted GLCVB's motion on April 5, 2013 (Docket No. 13). While
24 TWG appreciates the Board's diligence in deciding the motion, this was improper and violated

1 the Board's rules because the decision was made before hearing "the other side of the story," i.e.,
2 TWG's responsive pleading. In effect, the Board was treating the motion as conceded when, in
3 fact TWG had told the Board it was not and the time for responding had not yet run.

4 Accordingly, TWG respectfully requests that the order of April 5, 2013 be vacated and
5 that TWG's opposition be considered. Alternatively, if the Board believes that it acted in a
6 procedurally proper manner, TWG respectfully requests that its opposition be treated as a motion
7 to strike the two affirmative defenses.

8 Respectfully submitted,

9 **LAW OFFICE OF PAUL W. REIDL**

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12 By: _____

13 Dated: April 5, 2013

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on Opposer by placing a true copy thereof in the United States mail enclosed in an envelope, postage prepaid, addressed as follows to their counsel of record at his present business address:

John A. Galbreath
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James Beird